

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation for the purpose of establishing a list for the fiscal years 2004-2005 and 2005-2006 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.

Investigation 03-07-009  
(Filed July 10, 2003)

**ADMINISTRATIVE LAW JUDGE RULING SETTING A PREHEARING  
CONFERENCE AND SEEKING COMMENTS**

**Background**

By July 1 of each year, the Commission is required, pursuant to S&H Code Section 2452, to establish and furnish to the California Transportation Commission (CTC) a priority list of existing and proposed crossings at grade in need of separation, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and existing grade separations in need of alteration or reconstruction.

The Order Instituting Investigation (OII) issued July 10, 2003 established the preliminary scope of issues to be considered in this proceeding. The OII

provided that projects to be included on the priority list must be nominated by October 17, 2003. In response about sixty five projects have been nominated.

### **Purpose of Ruling**

The purpose of this ruling is to set a Prehearing Conference. Further, this ruling seeks comments on a proposed schedule for the proceeding. After the PHC a further ruling will be issued.

### **Proposed Schedule**

The OII does not contemplate significant issues raised other than the staff's proposed priority list. In the event that other issues are found to be within the scope of this proceeding, the proposed schedule shown below allows for the filing of prepared testimony early in the proceeding.

### **Proposed schedule**

Staff Exhibit, including proposed priority list	January 16, 2004
Final Day for submitting prepared testimony on all any issue not related to the staff exhibit	January 16, 2004
Final day for submitting comments on Staff Exhibit	February 2, 2004
Final Day for submitting prepared rebuttal testimony on issues not related to the staff exhibit	February 2, 2004
Final date for revision of Staff Exhibit	No later than February 16, 2004
Evidentiary Hearings (exact dates and locations to be determined).	February 18 – March 5, 2004
Target Submission of Proceeding including any late filed exhibits and any briefs	March 26, 2004
Draft Decision	April 23, 2004
Final Decision Adopted by Commission	May 27, 2004

Mail Decision to CTC, Caltrans & Parties of Record	First week of July 2004
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**IT IS RULED THAT:**

1. A Prehearing Conference is set for December 1, 2003, at 11:00 a.m., in the Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, California.
2. Any person desiring to participate in this proceeding shall bring to the Prehearing Conference a written statement indicating the nature of the participation and any issues to be raised other than the Staff's proposed list.
3. Any person desiring to participate in this proceeding shall bring to the Prehearing Conference written comments on the proposed schedule outlined in this ruling.
4. The written comments mentioned in paragraphs 2 and 3 above shall be mailed and emailed directly to Administrative Law Judge Kenneth K. Henderson at 505 Van Ness Avenue, Room 5108, San Francisco, CA 94102, kkh@cpuc.ca.gov, no later than November 26, 2003.

Dated November 13, 2003, at San Francisco, California

/s/ KENNETH K. HENDERSON  
Kenneth K. Henderson  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge Ruling Setting a Prehearing Conference and Seeking Comments on all parties of record in this proceeding or their attorneys of record.

Dated November 13, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.